

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

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NOE T. CANTU

§

v.

§

C.A. NO. C-04-658

§

UNIVERSITY OF TEXAS,
AUSTIN, ET AL.

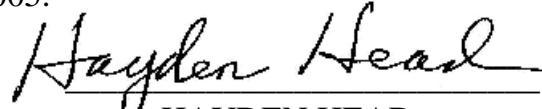
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ORDER DISMISSING CLAIMS AND RETAINING CASE

On April 6, 2005, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 15). After ample opportunity, no objections have been filed by either party. This Court regards such omission as each party's agreement with and acceptance of the Magistrate Judge's findings of fact and conclusions of law. Having reviewed the pleadings on file, the Court finds no clear error in the Magistrate Judge's memorandum and recommendation. *Douglass v. United Services Automobile Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). This Court adopts as its own the findings and conclusions of the Magistrate Judge. Accordingly, defendant's motion to dismiss (D.E. 10) is granted in its entirety. Marine Science Institute is dismissed as a defendant and plaintiff's claims pursuant to sections 1981 and 1983 are also dismissed. The cause of action pursuant to Title VII, 42 U.S.C. § 2000e(a)(2) is retained.

ORDERED this 31st day of May, 2005.



HAYDEN HEAD
CHIEF JUDGE